

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

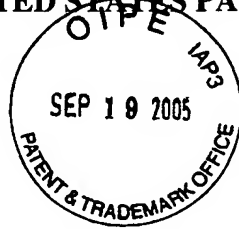
In re Patent Application of

LEVIN et al.

Serial No. 10/808,397

Filed: March 25, 2004

For: METHOD AND SYSTEM TO TREAT AND PREVENT  
MYOCARDIAL INFARCT EXPANSION



Atty. Ref.: 4343-3

Group: 3736

Examiner: Not yet assigned

\* \* \* \* \*

September 19, 2005

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

**INFORMATION DISCLOSURE STATEMENT**

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action] *N/C*
- ☐ 2. **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance] *N/C*
- ☐ 3. **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance] *\$180.00*
- ☐ 4. **Statement & Fee Payment Pursuant to 37 CFR 1.97(d)**  
[before Issue Fee payment] *\$180.00*
- ☒ 5. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document is enclosed herewith.

This paper is submitted in accordance with:

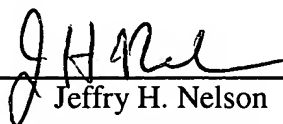
- ☒ 6. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 7. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
  - ☐ a) The Statement required by 37 CFR §§1.97(c)(1) and (e) made in item 9 below; or

- ☐ b) The fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 10 below.
- ☐ 8. 37 CFR §1.97(d): [before issue fee payment]; and
- ☐ a) This is a request for consideration of the subject Information Disclosure Statement. The fee required by 37 CFR §1.17(p) is authorized in item 10 below; and
- ☐ b) The Statement required by 37 CFR §§1.97(d)(1) and (e) is stated in item 9 below.
- ☐ 9. Statement under 37 CFR 1.97(e)
- ☐ a) Each item of information contained in this Information Disclosure Statement was cited for the first time in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ 10. Please charge all applicable fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Jeffry H. Nelson

Reg. No. 30,481

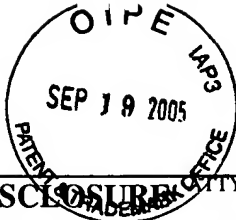
JHN:glf

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**INFORMATION DISCLOSURE CITATION**

PATENT OFFICE DOCKET NO.

SERIAL NO.

4343-3

10/808,397

APPLICANT

LEVIN et al.

(Use several sheets if necessary)

FILING DATE

GROUP

March 25, 2004

3736

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE       | NAME                 | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|------------|----------------------|-------|----------|-------------------------------|
|                      | 5,702,343       | 12/30/1997 | Alferness            |       |          |                               |
|                      | 6,077,218       | 06/20/2000 | Alferness            |       |          |                               |
|                      | 6,085,754       | 07/11/2000 | Alferness et al.     |       |          |                               |
|                      | 6,123,662       | 09/26/2000 | Alferness et al.     |       |          |                               |
|                      | 6,126,590       | 10/03/2000 | Alferness            |       |          |                               |
|                      | 6,155,972       | 12/05/2000 | Nauertz et al.       |       |          |                               |
|                      | 6,165,121       | 12/26/2000 | Alferness            |       |          |                               |
|                      | 6,165,122       | 12/26/2000 | Alferness            |       |          |                               |
|                      | 6,174,279       | 01/16/2001 | Girard               |       |          |                               |
|                      | 6,193,648       | 02/27/2001 | Krueger              |       |          |                               |
|                      | 6,241,654       | 06/05/2001 | Alferness            |       |          |                               |
|                      | 6,293,906       | 09/25/2001 | Vanden Hoek et al.   |       |          |                               |
|                      | 6,332,863       | 12/25/2001 | Schweich, Jr. et al. |       |          |                               |
|                      | 6,332,864       | 12/25/2001 | Schweich, Jr. et al. |       |          |                               |
|                      | 6,375,608       | 04/23/2002 | Alferness            |       |          |                               |
|                      | 6,402,679       | 06/11/2002 | Mortier et al.       |       |          |                               |
|                      | 6,402,680       | 06/11/2002 | Mortier et al.       |       |          |                               |
|                      | 6,416,459       | 07/09/2002 | Haindl               |       |          |                               |
|                      | 6,425,856       | 07/30/2002 | Shapland et al.      |       |          |                               |
|                      | 6,482,146       | 11/19/2002 | Alferness et al.     |       |          |                               |
|                      | 6,494,825       | 12/17/2002 | Talpade              |       |          |                               |
|                      | 6,463,332       | 10/08/2002 | Aldrich              |       |          |                               |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|----------|------|---------|-------|----------|-----------------------|
|          |      |         |       |          |                       |
|          |      |         |       |          |                       |

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

|  |  |
|--|--|
|  | CORCAP Brochure, 2 pages (2004)  |
|  | CORCAP Power Point Presentation, 8 pages (No Date)   |
|  | Scott T. Kelley, MD et al, "Restraining Infarct Expansion Preserves Left Ventricular Geometry and Function After Acute Anteroapical Infarction", pp. 135-142                           |
|  | James J. Pilla, PhD, et al., "Ventricular Constraint Using the Acorn Cardiac Support Device Reduces Myocardial Akinetic Area In An Ovine Model of Acute Infarction", pp. I-207 - I-211 |

|           |                 |
|-----------|-----------------|
| *Examiner | Date Considered |
|-----------|-----------------|

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)